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                                                           HOUSE FILE 2378
                                        AN ACT
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     4 RELATING TO THE DISPOSITION OF MEDICAL ASSISTANCE SPECIAL
           NEEDS TRUSTS, INCLUDING THE PAYMENT RATE FOR NURSING
  1
           FACILITY LEVELS OF CARE.
       BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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        Section 1. Section 633.707, subsections 10 and 11, Code 2003, are amended by striking the subsections.
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          Sec. 2. Section 633.709, subsection 3, Code 2003, is
  1 12
  1 13 amended to read as follows:
           3. Subsections 1 and 2 shall apply to the following
  1 15 beneficiaries; however, the following amounts indicated shall
  1 16 be applied in lieu of the statewide average charge for nursing
  1 17 facility services:
  1 18
           a. For a beneficiary who meets the medical assistance
  1 19 level of care requirements for services in an intermediate
    20 care facility for persons with mental retardation and who
    21 either resides in an intermediate care facility for persons
  1 22 with mental retardation or is eligible for medical assistance
  1 23 home and community=based waiver services except that the
    24 beneficiary's income exceeds the allowable maximum, the
  1 25 applicable rate is the maximum monthly medical assistance
  1 26 payment rate for services in an intermediate care facility for
  1 27 persons with mental retardation.
  1 28
           b. For a beneficiary who meets the medical assistance
    29 level of care requirements for hospital=based, medicare=
  1 30 certified, skilled nursing facility care and who either
    31 resides in a hospital-based, medicare-certified, skilled
  1 32 nursing facility or is eligible for medical assistance home
  1 33 and community=based waiver services except that the
  1 34 beneficiary's income exceeds the allowable maximum, the 1 35 applicable rate is the statewide average charge to private=pay
    - 1 patients for hospital=based, medicare=certified, skilled
    2 nursing facility care.
  2 3 c. For a beneficiary who meets the medical assistance
2 4 level of care requirements for nonhospital=based, medicare=
  2 5 certified, skilled nursing facility care and who either
  2 6 resides in a nonhospital-based, medicare-certified, skilled
2 7 nursing facility or is eligible for medical assistance home
  2 8 and community-based waiver services except that the
  2 9 beneficiary's income exceeds the allowable maximum, the
  2 10 applicable rate is the statewide average charge to private-pay
  2 11 patients for nonhospital=based, medicare=certified, skilled
  2 12 nursing facility care.
  2 13 d. b. For a beneficiary who meets the medical assistance 2 14 level of care requirements for services in a psychiatric
  2 15 medical institution for children and who resides in a
  2 16 psychiatric medical institution for children, the applicable 2 17 rate is the statewide average charge to private=pay patients
  2 18 for psychiatric medical institution for children care.
    19 <u>e. c.</u> For a beneficiary who meets the medical assistance 20 level of care requirements for services in a state mental
  2 19
    21 health institute and who either resides in a state mental
    22 health institute or is eligible for medical assistance home
    23 and community=based waiver services except that the
  2 24 beneficiary's income exceeds the allowable maximum, the
    25 applicable rate is the statewide average charge for state
    26 mental health institute care.
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    2.7
           d. For a beneficiary who meets the medical assistance
    28 level of care requirements for services in a nursing facility
    29 and is receiving care or is receiving specialized care such as
    30 an adult receiving Alzheimer's care, a child receiving skilled
    31 nursing facility care, or an adult or child receiving skilled
    32 nursing facility care for neurological disorders, the
    33 applicable rate is the statewide average charge for nursing 34 facility services for the services or specialized services
    35 provided.
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3	9	JEFFREY M. LAMBERTI
3	10	President of the Senate
3	11	
3	12	I hereby certify that this bill originated in the House and
3	13	is known as House File 2378, Eightieth General Assembly.
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3	17	MARGARET THOMSON
3	18	Chief Clerk of the House
3	19	Approved , 2004
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3	21	
3	22	
3	23	THOMAS J. VILSACK
3	$\frac{-3}{24}$	Governor